

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 23, 2017

Mr. Jerry W. Materne
(Address withheld)
(Address withheld)

Re: **WARNING NOTICE**
Amateur Radio License KC5CSG
EB-FIELDNER-17-00024179

Dear Mr. Materne:

By letter dated May 3, 2017, the Commission notified you that it had received a complaint concerning the operation of your amateur radio station. The complaint alleged that you were deliberately interfering with other amateurs in your area in violation of Section 97.101(d) of the Commission's rules.

You responded to the Commission's letter on May 22, 2017. In that letter, you argue that you "are not causing interference to anyone in this area" but admit that you "do operate simplex on their output" despite having been advised by the trustee of the local repeater that you are not to use that repeater. You further claim that you have "monitored people on the [repeater] using [your] call."

On June 22, 2017, the Commission received an additional complaint regarding your on-air behavior. The new complaint alleges that on June 21, 2017, in response to the imminent landfall of Tropical Storm Cindy, the trustee of the local repeater attempted to conduct an emergency Net. The complaint notes that during that Net, you deliberately tied up the repeater hindering the Net's ability to coordinate weather Warnings and Alerts on behalf of the National Weather Service. When the Net switched to a different repeater to avoid the deliberate interference, you began broadcasting on the output frequency of that repeater, again preventing the Net from coordinating weather Warnings and Alerts.

Section 97.101(d) of the Commission's rules states that "[n]o amateur operator shall willfully or maliciously interfere with or cause interference to any radio communication or signals."¹ Contrary to your assertion that you "are not causing interference to anyone in this area," the Assistant Director, Delta Division of the Louisiana Section of the Amateur Radio Relay League, using direction finding

¹ 47 C.F.R. § 97.101(d).

techniques, tracked the signal of the interfering party to your home and has affirmed such to undersigned counsel. Moreover, according to your May 22nd filing, you specifically admit to operating on the output frequency of the repeater. On June 22, 2017, when the trustee of the local repeater attempted to hold an emergency Net, your continuous broadcasting on the output frequency of that repeater prevented the trustee from successfully holding the Net. Further, when the Net moved to avoid your deliberate interference, you followed them and again began broadcasting on the output frequency. Given the above, your argument that you have not been causing deliberate interference to other amateurs in your area is wholly without merit. Your operation as described above is a violation of Section 97.101(d) and is contrary to the basis and purpose of the amateur radio service as set out in Section 97.1 of the Commission's rules.²

Please be advised that the Commission expects you to abide by its rules. This letter serves as notice that, if operation of this type reoccurs after receipt of this letter, you could be subject to severe penalties, including license revocation, monetary forfeiture (fines),³ or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith, Esq.
Special Counsel
Spectrum Enforcement Division
Enforcement Bureau

² See 47 C.F.R. §§ 97.1; 97.101(d).

³ Fines normally range from \$7,500 to \$10,000.